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December 20, 2005

VIA FACSIMILE [701.777.6398]

Ms. Julie Ann Evans  
General Counsel  
University of North Dakota  
P.O. Box 8196  
Grand Forks, North Dakota 58202-8196

Dear Ms. Evans:

This is in response to your December 19 correspondence regarding the University of North Dakota appeal and a follow-up to our December 9 telephone conversation. I would first like to clarify that the NCAA has provided no misinformation as it relates to the appeal procedures. On August 9, 2005, in a mailing addressed to all affected institutions, NCAA President Myles Brand outlined the appeal process and identified the NCAA Executive Committee as the final decision-making body on this issue. President Brand also noted that, to ensure thorough feedback and consideration by the divisional structure, the appropriate presidential bodies would be asked to provide a recommendation to assist the Executive Committee in its consideration. During the period of staff review, we shared with President Kupchella and Vice President Harmeson the procedure and process by which the university could appeal the decision of the staff review committee in the event the institution believed an adverse decision was reached. On September 28, 2005, when the staff review committee decision was communicated to North Dakota, the appeal procedure was outlined verbally as well as in writing. Finally, on December 9, I once again reiterated the process in a letter to President Kupchella.

Having said this, it became clear during our December 9 telephone conversation that, despite the information we provided, the university did not fully understand the process and instead believed that the action of the Executive Committee would be reviewable by the divisional presidential body, in this case the NCAA Division II Presidents Council. You indicated that, based on this misunderstanding, the university had chosen not to include specific aspects of its argument in its appeal to the Executive Committee, anticipating an additional level of review.

While we believe that the process is clear and was appropriately outlined to the institution on several occasions, we realize that misunderstandings can and do occur. At this point in the appeal procedure, the university would have been limited to a rebuttal to the staff review committee's response and confined to the specific matters set forth in the committee's response as noted in paragraph 3 of the appeal process. However, to ensure that North Dakota has fair opportunity to present its case to the Executive Committee, we agreed that the university may buttress its

National Collegiate Athletic Association

All Association policies apply to all members, including the student athletes.  
Fair Opportunity/Alternative Action/Enrollment

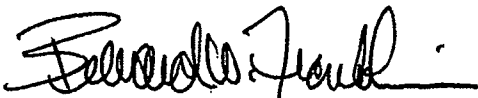
case with additional information and would not be limited to a rebuttal to information contained in the staff review committee's response. However, as with any appeal procedure, new information that was not considered at the initial stage of the review process should not be submitted unless it was unavailable at the time the case was initially presented. The university may supplement its previous submission to the Executive Committee, but such information is controlled by the provisions of paragraph 4. Further, if the university provides additional information within these guidelines, the staff review committee may choose to provide a written response to the Executive Committee on those points. Any response generated by the staff review committee would be forwarded to the institution with the opportunity for rebuttal.

In short, North Dakota may submit additional information beyond that which was submitted in its November 4 appeal letter. That information is not confined to those matters addressed in the staff review committee's December 9 response; however, new information that was not reviewed at the initial stage of the process may not be presented unless that information was unavailable at the time the case was presented to the staff committee and is demonstrably relevant to the outcome of the appeal.

Finally, I would point out that the NCAA is a private unincorporated association of members and, therefore, need not follow either the Federal Rules of Civil Procedure or specific state rules of civil procedure in its own administrative proceedings. However, to ensure that North Dakota receives fair process, we will accept and forward your December 27 response to the Division II Presidents Council and the Executive Committee. I would encourage you to submit your information as early as possible to give the Council and Committee members ample opportunity to review the documents prior to the hearing.

I hope this information is helpful. Please contact me if you have additional questions.

Sincerely,



Bernard W. Franklin  
Senior Vice President for Governance and Membership

BWF:jw

cc: Selected NCAA Staff Members

# NCAA EXHIBIT 9

# **ASSURANCE SECTION**

## **REPORT OF A COMPREHENSIVE EVALUATION VISIT**

TO

**The University of North Dakota  
Grand Forks, North Dakota**

**20-22 October 2003**

### **The Higher Learning Commission**

A Commission of the North Central Association of Colleges and Schools

### **EVALUATION TEAM**

Joel E. Anderson, Chancellor, University of Arkansas at Little Rock

Paul J. Jones, Assistant Dean Student Services, Rush Medical College

Margaret S. Pickett, Vice President Business and Finance, Iowa State University

Phillip E. Jones, Vice President for Student Services, University of Iowa

Leonard J. Deutsch, Dean of the Graduate School, Marshall University

John C. Moore, Professor of Psychology, University of Wisconsin-Milwaukee

Judith Marie Dallinger, Professor of Communication, Western Illinois University

Lynford L. Ames, Associate Academic Vice President for Community  
College/Distance Emeritus, New Mexico State University

Abu S. M. Masud, Chair, Industrial and Manufacturing Engineering, Wichita State  
University

Mary E. Mazey, Dean, College of Liberal Arts, Wright State University

Jeffrey H. Chen, Director of Institutional Research and Analysis, Cleveland State University

Nancy Ellen Talburt, Vice Provost for Academic Affairs, University of Arkansas, Fayetteville, Chair

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## **ASSURANCE SECTION**

### **I. CONTEXT AND NATURE OF VISIT**

#### **A. Purpose of Visit**

The purpose of the visit was a comprehensive evaluation of the University of North Dakota and an evaluation of the request by the institution to be allowed to offer courses and programs online outside the state without prior NCA approval.

#### **B. Institutional Context:**

The University of North Dakota (UND) was founded in 1883, six years before North Dakota became a state. It was first accredited by NCA in 1913 and has remained continuously accredited. The campus consists of 540 acres in Grand Forks, North Dakota, enrolling approximately 13,400 students in eight schools and colleges and a graduate school. At the time of the previous NCA comprehensive visit, there were three additional colleges whose units have since been reorganized into other units. A new position, that of Vice President for Research, was filled in 2002.

UND is the largest institution of higher education in North Dakota, South Dakota, Montana, Wyoming, and western Minnesota. The University maintains its original mission in liberal arts, business, education, law, medicine, and engineering and mines. It has also developed special missions in nursing, fine arts, aerospace, energy, human resources, and international studies.

#### **C. Unique Aspects of Visit:**

None

#### **D. Sites or Branch Campuses Visited:**

None

**E. Distance Education Reviewed:**

Team members evaluated the institution's request to be allowed to offer on-line courses and programs outside the state without prior Higher Learning Commission approval. Team members discussed and reviewed the request with administrators and faculty in light of the institution's expertise and current initiatives, NCA guidelines, and good practice.

The University of North Dakota uses a variety of methods to deliver courses and programs to remote students. These include on-site lectures, videotaped lectures, two-way compressed video, and online internet-courses. UND uses primarily the Blackboard online course shell for web-based courses. Technical capabilities are impressive. Support staff members include an instructional designer, an information technology specialist, and a publications designer. The majority of the faculty members who teach distance education courses are regular faculty, and all instructors must be approved by the department chairs and deans.

UND has been a leader in distance education, was a pioneer in the development and use of two-way compressed video, and offers a number of unique programs at a distance including a master's degree in space studies to a global audience. Appropriate support services, including library service, are provided to students in these courses and programs.

**F. Interactions with Institutional Constituencies:****Administration**

- |  |   |
|--|---|
| 1. State Board of Higher Education--three members  | 9. Associate Vice President for Enrollment Management           |
| 2. North Dakota State University System—Vice Chancellor for Academic Affairs and Interim Chancellor designee | 10. Associate Vice President for Student Services               |
| 3. President   | 11. Director UND Foundation and Director UND Alumni Association |
| 4. Senior Associate to the President   | 12. Director, Chester French Library                            |
| 5. Provost and Vice President for Academic Affairs   | 13. Director, Harley French Medical School Library              |
| 6. Vice President for Finance and Operations   | 14. Budget Director   |
| 7. Vice President for Research   | 15. Dean of Students  |
| 8. Vice President for Student and Outreach Services  | 16. Campus General Counsel                                      |



17. Dean, College of Education and Human Development (and Chair of the Self-Study Steering Committee), director of Teacher Education, chairs of departments of PE and Exercise Science, Education Foundations and Research, Counseling, Social Work, Teaching and Learning
18. Dean, College of Arts and Sciences and some chairs
19. Dean, School of Law
20. Dean, assistant provost, and two associate deans, School of Medicine and Health Sciences; directors from the School as follows: Center for Biomedical Research, Center for Health Promotion, Faculty Affairs, Indians into Medicine
21. Dean, School of Nursing, and administrators as follows: Associate Dean and Director of Graduate Studies and Business Office, and directors of Student and Alumni Affairs, RAIN program, and Research
22. Dean, Engineering, and the chairs of Mechanical, Electrical, Chemical, Geology and Geological, and Civil Engineering
23. Dean, Aerospace Studies, and associate dean and chairs of Computer Science, Atmospheric Sciences, Space Studies, Earth Systems Science and Policy, and directors of Flight Operations, Aviation Safety, and Fiscal Affairs
24. Associate Dean, College of Business and Public Administration, and others from the College as follows: chairs of Political Science and Public Administration, Technology, Economics, Education, Finance, Accounting and Marketing
25. Associate Vice President for Outreach Services and Dean, Outreach Programs, and assistant and associate deans, directors of distance education degrees and television and radio, and coordinators of other areas
26. Education Programs Coordinator and Director of Summer Sessions
27. Director, Office of Institutional Research
28. Director, Instructional Development
29. Associate Dean for Academics
30. From Athletics - Director, Assistant Director of Athletics/Senior Women's Administrator, Faculty Athletics Representative
31. Directors attending open staff meeting: Counseling, Health Promotion Advisor, Career Services, Information Technology, Facilities, TRIO programs, Memorial Union, Institutional Research, Disability Support Services, Women's Center, Student Financial Aid, Enrollment Services, Wellness Center, Legal Assistance, Student

- |   |  |
|---|--|
| <p>Health, Academic Learning Center, Housing, Residence Services; also Chief of Police, Assistant to the Dean of Engineering, Cash and Investment Manager, Assistant Bursar, Assistant Provost, Associate Director Student Life</p> <p>32. Finance and Budgeting administrative staff: Associate VP for Finance and Operation, Director of Financial Management, Assistant to the President/Director of Budget, Budget Analyst</p> <p>33. Division of Finance and Operations unit managers and directors of Payroll (acting), Auxiliary Services,</p> | <p>Facilities, Radiation and Chemical Safety, Safety and Environmental Health/Risk Management, Resident Services, Human Resources</p> <p>34. Coordinator of Humanities and International Studies</p> <p>35. Coordinators of Honors and Integrated Studies programs</p> <p>36. Interim Chief Information Officer</p> <p>37. Director, Information Technology Systems and Services</p> <p>38. Director, Center for Instructional and Learning Technologies</p> |
|---|--|

### Faculty

- |  |  |
|--|--|
| <p>39. Chair, University Senate</p> <p>40. Faculty from Self-Study Committee</p> <p>41. Six faculty members of Executive Committee of University Senate</p> <p>42. Chair and four faculty members of the Special Committee on Faculty Rights</p> <p>43. One faculty member of University Planning and Budget Committee</p> <p>44. Representative chairs of departments from schools and colleges (Aerospace Studies, Arts and Sciences, Education and Human Development, Engineering</p> | <p>and Mines, Business, Medicine and Health Professions, Nursing)</p> <p>45. Representative faculty from each school and college including 10 from Law, 27 from EDHD, 13 from Aerospace Studies, 6 from Engineering, 13 from Nursing, 6 in addition to chairs in Medicine and Health Professions, about 25 in Arts and Sciences, including chairs, and 3 from the Honors Program</p> <p>46. Twenty-seven faculty attended the open meeting</p> |
|--|--|

### Staff

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>47. Vice Chair, Staff Senate</li> <li>48. Staff Senate leadership</li> <li>49. Staff from the Steering Committee</li> <li>50. Staff from the offices of the President, Provost, Dean of Education, Office of Institutional Research</li> </ul> | <ul style="list-style-type: none"> <li>51. More than 60 staff attending the open meeting, mostly administrative (see above)</li> <li>52. Chester French and Harley French library staff (twenty-one staff members) and two staff from the Honors program</li> </ul> |
|---|---|

### Students

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>53. President, Student Government</li> <li>54. Student Government officers and leaders</li> <li>55. Students attending open meeting (24)</li> <li>56. Representative students from each school and college: 4 from Aerospace Studies, 18 from Arts and Sciences, 21 from Education and Human</li> </ul> | <p>Resources, 14 from Engineering and Mines, 15 from Medicine and Health Professions, 18 from Nursing, 24 students from Law, 2 students from the Honors Program</p> |
|--|---|

## G. Principal Documents, Materials, and Web Pages Reviewed:

### UND Self-Study Documents

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>1. Self Study - <i>A Decade of Planning and Achievement in the Face of Challenge</i>, with BID</li> <li>2. Two supplements: GIR compliance and request for change to offer on-line programs in the form of a letter with attached materials (October 6, 2003)</li> </ul> | <ul style="list-style-type: none"> <li>3. Graduate and Undergraduate Catalog, 2001-2003</li> <li>4. Faculty Handbook, March 1999</li> <li>5. Graduate Student Handbook</li> <li>6. Code of Student Life, 2003-2004</li> <li>7. NDUS Human Resource Policy Manual</li> <li>8. Campus Directory</li> <li>9. Third Party Comments</li> <li>10. President Kupchella's letter on Team Nickname and Logo</li> </ul> |
|---|---|

### UND Administrative Documents

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>11. Strategic Plan, <i>Pathways to the Future</i>, 2001-2002</li> <li>12. Progress Report, August 2003</li> <li>13. North Dakota University System Financial Statements</li> <li>14. Unit Strategic Plans for Colleges, Offices, Programs and Other Units</li> <li>15. Moody's rating analysis for 2/02 bond issue for EERC</li> <li>16. Unaudited draft of FY03 Financial Statements</li> <li>17. Workload Ratios provided by OIR</li> <li>18. Athletics Gender Equity Plan; Data from Survey on Gender Equity, 2002-2003; NCAA Analysis of Revenues and Expenses, Equity in Athletics Disclosure Act</li> <li>19. "The Fighting Sioux team name and logo at the University of North Dakota – An historical and contextual</li> </ul> | <ul style="list-style-type: none"> <li>summary", a 14-page paper by David Vorland</li> <li>20. Summer School Schedule for 2002</li> <li>21. UND Organization Chart and Unit Charts</li> <li>22. UND IT Plan</li> <li>23. Study Abroad Brochure</li> <li>24. Governance documents: bylaws, policies, membership, minutes, reports</li> <li>25. Student service policies</li> <li>26. Formal agreements for consortia and contractual agreements</li> <li>27. Rosters, charters, bylaws, of boards including those separately incorporated</li> <li>28. President's annual reports</li> <li>29. Examples of publications and brochures</li> <li>30. Reports from standing and ad hoc committees</li> <li>31. Budget documents</li> </ul> |
|---|--|

### UND Internal Academic Review/Assessment Documents

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>57. Annual reports for '02, '03 from departments and other units containing assessment</li> </ul> | <ul style="list-style-type: none"> <li>information and planning and progress data</li> </ul> |
|--|--|

58. Online program proposals for MS in Aviation, Atmospheric Studies and Space Studies, among others

59. Program review data

#### **UND Accreditation Documents**

60. Recent accreditation reports from accreditation agencies such as NCATE, ABET (for all six engineering degrees), Council on Aviation Accreditation; American Law Association Accreditation letters 1993 and 1996; and agencies for programs in business, psychology, communications disorders, and others
61. Licensure score rates on the Bar and exams such as those in medicine, nursing, and other health care fields

62. Reports on Assessment from programs and such reports as the 2000 and 2003 NSSE reports, General Education Review Report, Learning from Our Students, Longitudinal Study of General Education

#### **UND Websites**

63. Much information useful to the team was found at UND websites for reports, individual units, and documents, beginning with the homepage, <http://www.und.edu>

## **II. COMMITMENT TO PEER REVIEW**

### **A. Comprehensiveness of the Self-Study Process:**

The self-study process at the University of North Dakota began in the spring semester of 2001. A steering committee was established that would "write the self-study report." Ten members of the committee agreed to co-chair five subcommittees to conduct evaluation and prepare initial drafts of the institution's status relative to the five criteria. After several further stages of revision, the materials were edited for the final report. The institution reports that 56 administrators, faculty, staff, and students engaged in evaluation and documentation for the report. Team members found the report helpful but also needed to request much additional information during the visit. The self-study report, while often descriptive rather than evaluative, was strong in identifying recommendations regarding problems and concerns. The team found widespread understanding of the results of the self-study process on the part

of students, staff, faculty, and administrative leadership. Self-study of campus units by the units themselves was reflected in the products of such ongoing campus processes as annual reports and program reviews.

**B. Capacity to Address Previously Identified Challenges:**

**1. Institutional Capacity to Address and Resolve Previously Identified Challenges:**

The team considers the response of the institution to previously identified challenges to be generally adequate.

**2. Inadequately Resolved Challenges:**

The team found that salaries, and particularly faculty salaries, still lag those of peers to about the same extent as ten years ago, despite some significant raises in recent years.

**C. Notification of Evaluation Visit and Solicitation of Third-Party Comment:**

Requirements were fulfilled.

**Comments:** The team reviewed all third-party comments that were received and addressed each issue raised as part of the evaluation process. The team made specific evaluative comments and recommendations regarding some of the issues whose resolution was not deemed adequate and for which the processes to address the issues also appear to be inadequate. The comments are included in evaluation of the criteria and the recommendations are in the Advancement Section of this report.

**III. COMPLIANCE WITH FEDERAL REQUIREMENTS**

Requirements were fulfilled.

**Comments:** The procedures for handling complaints are detailed, and documentation exists for each step of the process.

#### **IV. AFFIRMATION OF THE GENERAL INSTITUTIONAL REQUIREMENTS**

Based on the team review and documentation, including a supplement to the self-study report provided to the team, "An Overview of the University of North Dakota Compliance with the General Institutional Requirements," the team confirms that the institution continues to meet each of the twenty-four General Institutional Requirements.

#### **V. FULFILLMENT OF THE CRITERIA**

##### **A. CRITERION ONE**

The institution has clear and publicly stated purposes consistent with its mission and appropriate to an institution of higher education.

##### **Salient Evidence of Fulfillment of Criterion**

##### **1. Evidence that demonstrates the criterion is met:**

- a. Conversations and discussions throughout campus with different constituencies confirmed to the team that the mission of the institution is implicitly supported and understood.
- b. Individual units of UND appear to have missions and purposes congruent with that of the institution.
- c. UND carries its mission of service to the state by conducting research related to the needs of the people of North Dakota, such as exploring the role of trace chemicals in ground water and streams that might affect human and animal life, developing energy sources that might stimulate the state economy, providing rural health services and research, studying American Indian culture and life, and other projects that similarly support the needs and aspirations of the people of the state.
- d. The Student and Outreach Services Division is distinguished by cooperative endeavors with students, illustrating their common understanding and work to support the UND mission. An example is student support for mandatory student fees to fund such initiatives as a comprehensive wellness/recreation facility. A significant student fee, about \$190 per student per year in the final application, was recently initiated and approved by students to develop the center.

- e. The 2001-2002 UND Strategic Plan, *Pathways to the Future*, illustrates an institutional commitment to expanding ways of fulfilling the mission by planned change and improvement. Unit annual reports chart progress toward goals.

**2. Evidence that demonstrates the criterion needs institutional attention.**

- a. Some campus sentiment suggests that, as the UND mission statement is more than ten years old, a revised mission statement should be considered as part of the strategic planning initiatives, in order more specifically to identify desired attributes and priorities and more inclusively to provide direction to all major organizational components.

**3. Evidence that demonstrates the criterion requires institutional attention and Commission follow up:**

None noted.

**Recommendation of the Team**

Pattern of evidence sufficiently demonstrated; no Commission follow-up recommended.

**B. CRITERION TWO**

The institution has effectively organized the human, financial, and physical resources necessary to accomplish its purposes.

**Salient Evidence of Fulfillment of Criterion**

**1. Evidence that demonstrates the criterion is met:**

- a. The campus governance structure including the University Senate, the University Council, and the Senate governance committees ensure that diverse viewpoints are represented in the decision-making process. The Senate includes majority faculty representation as well as staff, students, and administrators. Advisory committees that report to the president, vice president for



academic affairs, or the University Senate provide input to campus decisions as do the University Planning and Budget Committee that drafted the University Strategic Plan. Although the team noted concerns that timely decisions were not always forthcoming from the committee structures, that some committees may be more reactive than proactive, and that the existence of certain ad hoc or special focus committees may end up marginalizing the work of standing committees, the team concludes that on balance, this governance structure provides for appropriate viewpoints to receive adequate representation.

- b. UND has a stable financial situation as evidenced by the past three years of financial statements (including unaudited FY03) and a Moody's bond rating analysis conducted in 2002. No new resources were provided by the state in the current budget year but enrollment growth, tuition rate increases and growth in sponsored programs have contributed to improvements in the overall resource situation.
- c. UND has a coherent and participative budget development process that is linked to Strategic Planning. Staff members generally view the process as having a fair and transparent outcome.
- d. The development and implementation of a Web-based registration system facilitates student access to registration and records and enhances the effectiveness of service office operations.
- e. The physical facilities at the University of North Dakota are impressive. A total of 204 buildings sits on more than 500 acres. The campus has much pleasant open green space around the buildings. Few signs of the flood of 1997 can be seen. In general, the buildings appear to be well maintained and are in good condition. The Vice President for Finance and Operations reports that a recent consulting study identified more than adequate classroom space and adequate office space. The university is currently completing a space utilization survey that will provide an inventory of room usage and information on space assignments and quality. Results will provide a basis for correcting inequities and deficiencies.
- f. Native American Indian students are the largest group of underrepresented students on campus, and there is clear evidence of institutional commitment to expanding equality of

opportunity as indicated through the TRIO programs, American Indian Student Services, and comparable support services for African American, Hispanic, and Asian students.

- g. The institution has a strong and effective information technology system. The external bandwidth is adequate, and the university researchers have access to Internet2. All classrooms and dorm rooms are networked. Several buildings have wireless internet capabilities. A student technology fee supports much of this system on the basis of competitively awarded funding.
- h. The institution is enjoying enrollment growth beyond projections and targets and is beginning to consider management of such growth. Restrictions such as enrollment caps and increased standards have been discussed. A move in this direction would be a major change for the institution and would require careful consideration of its implications.

**2. Evidence that demonstrates the criterion needs institutional attention:**

- a. Faculty salaries are significantly below the regional average in all colleges and schools except the School of Medicine and Health Professions where the disparity, although still significant, is much less.
- b. Faculty numbers appear insufficient, and some units, such as the College of Education, have a significant percentage of faculty members with terminal degrees from UND. Faculty typically report high levels of stress reflecting heavy teaching loads and increasing numbers of students, greater research expectations, and a significantly greater amount of self-study and paperwork. Given this circumstance, there is concern about how faculty will manage increased enrollment and new programs recently started and planned.
- c. Financial resources in some colleges (for example Arts and Sciences and Education and Human Resources) are devoted almost exclusively to instruction (approximately 95 to 97 percent) making it very difficult to provide for other needs. Similarly, human resources to provide for college direction and oversight from the deans' offices (associate and assistant dean positions) are very limited.

- d. Facilities problems exist in many colleges because of the uneven distribution and quality of space and result in cramped shared offices, among other problems. There is a ventilation problem with the building in which the Art Department is housed. Enrollment growth is placing stress on auxiliary facilities. Parking and student housing facilities may be at maximum occupancy and the need for additional facilities is being assessed. Given the demographic situation and competition from other institutions and on-line programs, caution needs to be exercised in making decisions about facility expansion, although reallocation of space appears needed.

The Residence Services system houses 3400 students in residence halls and has 850 apartments for families and single students. The system has increased overall capacity by more than 20 percent since 1993, and there is a plan to spend 3 million dollars to replace some of the apartments in the next several years. There does not appear to be a plan for voluntary reserves to be accumulated to transform the housing stock as demands change and buildings age over the next decade

- e. The NDUS is working toward developing a PeopleSoft system for student records throughout its institutions. Institutional attention should be directed toward staff concerns regarding implementation of this system and the need for staff development for present staff and for additional staff to respond to the demands and opportunities associated with the change.
- f. As a large percent of the Student Service departments' budgets is supported through mandatory student fees with a much smaller amount coming from state appropriations, the institution should carefully assess the total cost of education for students in adding new fees for support services and auxiliary services.

**3. Evidence that demonstrates the criterion requires institutional attention and Commission follow up:**

None noted.

**Recommendation of the Team**

Pattern of evidence sufficiently demonstrated; no Commission follow-up recommended.

**C. CRITERION THREE**

The institution is accomplishing its educational and other purposes.

**Salient Evidence of Fulfillment of Criterion****1. Evidence that demonstrates the criterion is met:**

- a. The institution has been tested and strengthened by adversity. North Dakota is a small state with resource challenges. The 1997 flood led to physical devastation and a significant loss of enrollment. The institution has recovered both physically and financially. It has strong enrollment growth with nearly 50 percent of the students from outside the state.
- b. Assessment of student experiences at the School of Medicine and Health Sciences is to be commended. A Palm Pilot program exists where students chart their clinical experiences throughout all clerkships. This allows faculty to track individual and cohort variances and provide a more uniform experience.
- c. Graduates of the School of Medicine perform well on national board examinations with a pass rate above national norms.
- d. The successful RAIN (Recruitment of American Indians in Nursing) program has extraordinary support at all levels of the college, and the Dean has made a commitment to continue support even in light of possible non-renewal of federal funds.
- e. The record of University of North Dakota student athletes shows not only an institutional commitment to success in athletic competition but also an institutional commitment to success in the classroom. UND won the Division II national championship in football in 2001. Since 1959 the men's ice hockey team has won seven national championships. But at the same time UND student athletes were winning these athletic competitions and many others, their graduation rate of 77 percent has been at the top of their conference and among the top 10 in the nation. Their national

championship football team captured 12 of the 28 Academic All-North Central Conference positions and one offensive lineman won a Truman Scholarship. The tensions sometimes found on a campus between academic and athletics personal is notable by its absence at UND. This is a commendable achievement.

- f. UND law students pass the state bar exam at a high level, 93 percent in 2001 and 88 percent in 2002.
- g. UND has a successful and growing distance education program to serve off-campus students. Current enrollment for distance education is approximately 900 of the more than 13,400 students enrolled at the institution, and 470 students have graduated from distance education programs in the past five years. In 2003, UND offered six undergraduate degree programs, eight master's degree programs, and one doctoral degree program through distance education, generating 2,138 enrollments.

**2. Evidence that demonstrates the criterion needs institutional attention.**

None noted.

**3. Evidence that demonstrates the criterion requires institutional attention and Commission follow up:**

- a. Assessment of student academic achievement at the University of North Dakota is neither consistently understood nor consistently implemented.
  - i. General education and graduate education do not appear to be included consistently in assessment planning and activities.
  - ii. Assessment plans and reports often make use of activities that are not measures of student academic achievement but rather other types of assessment, evaluation, or analysis. Examples include enrollment data, student evaluation of teachers and courses, program review and evaluation, and advancement toward meeting the goals in the university strategic plan.

- iii. A majority of activities cited as measures of student academic achievement are attitudinal surveys. While useful in many ways, such surveys are only indirect measures of student learning.
  - iv. Only limited use of direct measures of student learning has been documented.
  - v. Assessment reports (in annual reports) by department for the two most recent years reveal that many are still at the early planning stage for assessment of student academic achievement with a focus on the development of goals and/or learning outcomes. Among the programs that appear to have no results from direct assessment of student academic achievement are those in biology, criminal justice, many programs in education, finance, geology, history, graduate programs in nursing, social work, and sociology.
  - vi. Assessment plans and reports appear to lead to administrative or oversight responses that fail to underscore insufficient progress and inappropriate assessment measures and that fail to require timely revision.
- b. Although the institution has recently put renewed emphasis on assessment and identified a quality curriculum as a goal, resources to support this renewed emphasis appear limited. The current Associate Provost for Assessment, though experienced in working with assessment, has only a 20 percent assignment to this activity. The University Assessment Committee is knowledgeable about assessment and responds to major assessment reports, but it does not have, or is not using, the authority to direct departments or programs to make changes in plans and programs and to ensure implementation of direct assessment of student academic achievement.

### **Recommendation of the Team**

Pattern of evidence demonstrated; Commission follow-up recommended.

**Monitoring:** Focused Visit on Assessment of Student Academic Achievement

**D. CRITERION FOUR**

The institution can continue to accomplish its purposes and strengthen its educational effectiveness.

**Salient Evidence of Fulfillment of Criterion****1. Evidence that demonstrates the criterion is met:**

- a. The Strategic Planning process is designed to help the university continue to accomplish its purposes by setting goals--such as increasing the number and amount of external grants bringing resources into the university and recognizing its need to support state economic development thereby--and by following its own credo that development must be tied to budgeting. The plan reflects salient global, regional, and state trends, and includes a comprehensive environmental scan. The comprehensive progress report, August 2003, confirms that the planning effort is a serious one whose outcomes are noted formally and made available in detail to the campus.
- b. Community support of the university has been demonstrated by an annual commitment of \$100,000 from the Grand Forks City Council for enrollment management. This support allowed UND to gain top notch enrollment management professionals. The City also provided seed funds for research innovation and start up. This funding was matched 3 to 1 by the university resulting in \$2 million in total funding. This funding has generated a return of 10 to 1 in external grant funding, a total that has moved from \$35 million to \$70 million in the last 5 years.
- c. State support has been expressed in terms of increased flexibility and delegation of authority to the institution. The Higher Education Round Table was formed from leaders in the community, legislature, and higher education, and it met in off years between legislative sessions. The effort resulted in a turnaround in management of higher education which gave the institution flexibility with accountability.
- d. The Harley French and Chester Fritz libraries appear to have appropriate scope to meet instructional and other educational demands for most existing programs, either directly through their own facilities and holdings, or indirectly through consortium

arrangements and subscriptions. For example, the libraries provide public access computer facilities for students, and the Chester Fritz library carried out 20,000 transactions via Interlibrary Loan in the most recent year. In addition, the libraries have had some modest success in seeking support through percentages of indirect cost return. The team concludes that, on balance, the institution has responded effectively to concerns about the library in the last comprehensive visit.

- e. Change in leadership of Foundation and Alumni structures has been followed by extensive planning and activities gearing up for increased and improved fund-raising efforts. Success in these initiatives would be an important factor in UND progress.

**2. Evidence that demonstrates the criterion needs institutional attention:**

- a. The program array at UND appears ambitious for the numbers of faculty and resources available and the numbers of students and range of student interests. For example, some graduate programs are producing only one or two graduates a year, but the institution has increased from 15 to 21 the number of doctoral programs offered. Over-extension in any major area can retard progress toward strategic institutional goals. Program array change needs to be linked with both institutional resources and good practice and with the state's economy.
- b. Progress has been made on improving faculty salaries over the last four or five years but more is needed. The strategic plan sets out specific goals and the steps to reach them. The institution has not received special funding to increase salaries.
- c. UND libraries and existing resources are insufficient to support additional students and additional programs and disciplines, or provide access via increased, seamless computer-based usage.
- d. It is the considered judgment of the visiting team that continued use of the Indianhead logo and the "Fighting Sioux" nickname reduces the university's ability to accomplish its purposes and diminishes its educational effectiveness.  
Before and during the visit, team members studied the long history of this issue and learned of the deep campus divisions on the subject and of the President's and the campus's deep commitment to assure that the use of logo and nickname were proper and



respectful. At the outset, team members were prepared to conclude that the issue was not significant enough to be given attention in the team's report, did not wish to intrude into a campus matter, and were prepared to consider it closed by the decision of the State Board of Higher Education in December 2000. By the end of the visit, however, the team unanimously came to a different conclusion for compelling reasons. The issue was clearly not at rest. It continues to be raised by those who consider it a moral issue as well as by those who do not object to the symbols but who deplore what is happening to the campus. It is clear that it will simmer on, until it boils over again openly, while in the meantime diminishing collegiality and learning for many in the campus community. It will not go away.

The team has the following comments to offer the institution and its board:

- i. This persistent controversy has a negative impact on the learning environment at the University of North Dakota. It adversely affects student participation in the classroom and the laboratory. It adversely affects student relationships in residence halls and in sports and other recreational activities. It encourages disrespectful treatment of some students by other students and by some faculty and staff. Team members also hear that it adversely affects student recruitment and retention. It is an issue which distracts students, faculty, staff, and administration from the very important business of higher education.
- ii. Continued use of the logo is manifestly inconsistent with the university's goal of being the foremost university in the nation in the programs it offers for and about American Indians, a goal as important to the state and university as it is to those served by it.
- iii. It is particularly awkward for an American university, which endeavors to teach and model respect for others and sensitivity to their perspectives, to widely and prominently employ a logo and nickname that a substantial number of American Indians and their organizations have said and continue to say is offensive and demeaning.
- iv. Times change. Values and practices change. As the nation has moved over the last century to de-legitimize and reduce

discrimination against minorities, it has become less tolerant of the use of stereotypes and language regarded as offensive by minorities and many others. There was a reason to change the nickname from Flickertails in 1930. There is reason to change the nickname from "Fighting Sioux" today. If UND continues on course, it will be increasingly out of step with the times.

- v. In the short run, there is no win-win resolution to this controversy. In the long run, if use of the logo and nickname were discontinued, everyone would win. In the long run, if use of the logo and nickname is not discontinued, everyone loses.
- vi. Ultimately, the University of North Dakota is too good an institution, and its leadership is too important to the State of North Dakota, to let this issue continue to weaken its performance and impede its full development. The state board should revisit its earlier decision and direct the campus to develop and implement an orderly plan for discontinuing use of the Indianhead logo and the "Fighting Sioux" nickname.

**3. Evidence that demonstrates the criterion requires institutional attention and Commission follow up:**

None noted.

**Recommendation of the Team**

Pattern of evidence sufficiently demonstrated; no Commission follow-up recommended.

**E. CRITERION FIVE**

The institution demonstrates integrity in its practices and relationships.

**Salient Evidence of Fulfillment of Criterion**

**1. Evidence that demonstrates the criterion is met:**

- a. UND publications and websites are up to date, accurate, and understandable.
- b. The student services area provides strong support for issues of diversity among students, as evidenced by the operation of the Crisis Team and wide distribution of the recently revised Code of Student Life document, including the Community Values Statement. Several times in recent years, the office has anticipated the possibility for minority focused confrontations, and has provided proactive training for students and staff.
- c. The University of North Dakota is taking a proactive approach toward educating administrators, faculty, staff and students in how to create and maintain a welcoming environment for people of all types as evidenced by the development of the Council on Campus Climate and the requirement that all employees complete a web based harassment education program.
- d. Many examples of collaboration and teamwork were cited in the staff open meeting such as the following: (1) Collaboration between counseling service, wellness center, and student health center on a wellness initiative to promote healthy life choices for both staff and students. (2) A crisis management team to involve the efforts of many volunteers whenever there is a need. Even in the middle of the night, UND can count on any number of people to respond to an issue to help students. (3) TRIO programs that bring pre-college students to campus and have wonderful support in providing programs and services for them, including a faculty mentoring program.
- e. There was great congruence between the descriptions and assertions in the self-study and the views shared with the team during the evaluation visit. The public face of the University in its official documents and reports was in accord with the private views of students, faculty, and administrators as expressed to the team.

**2. Evidence that demonstrates the criterion needs institutional attention:**

- a. Documentation concerning campus grievance and disciplinary procedures is in a state of flux at UND, as are certain aspects of

the policies themselves. The campus has more clearly informed faculty, administration, and staff of expectations for appropriate conduct in the area of racial and sexual harassment. However, the process for filing faculty grievances against the administration and the faculty role in handling allegations against other faculty remain items of significant concern among faculty. It appears that more needs to be done to address concerns, the first step of which is the development of statements and where necessary policies and procedures acceptable to both faculty and administration on these matters.

- b. The Report of Survey Findings, 2003, issued by the President's Advisory Committee on Women, was forwarded to the team as part of the third-party comment process. Understanding that these Findings (which appear to require campus action) will be placed on the agenda for the next meeting of the Campus Climate Committee, the team supports this action and recommends that the committee make or commission a thorough analysis of the survey findings and make an appropriate response.
- c. The institution needs to continue to seek additional ways to increase diversity among faculty, staff, and students.

**3. Evidence that demonstrates the criterion requires institutional attention and Commission follow up:**

None noted.

**Recommendation of the Team**

Pattern of evidence sufficiently demonstrated; no Commission follow-up recommended

**VI. ACCREDITATION RELATIONSHIP:**

**CONTINUED ACCREDITATION**

**Next Comprehensive Visit: 2013-2014**

**Rationale:** In the past ten years, the University of North Dakota has shown remarkable resilience in its recovery from flood devastation and has not only regained but exceeded enrollment lost as a result of that flood. Heightened research and research funding, many new initiatives, and impressive strategic planning and results of that planning all attest to the institution's strengths in meeting challenges and making progress. The weight of evidence available to the team in terms of fiscal soundness and planning and achievement in the face of declining resources indicates that the University of North Dakota has the institutional processes in place to warrant another ten-year accreditation cycle.

### **DEFINERS OF RELATIONSHIP**

**1. Degree Level:** Doctor's

*Retain original wording*

**2. Ownership:** Public

*Retain original wording*

**3. Stipulations:** Out-of-state offerings are limited to the B.S. in Occupational Therapy in Casper, WY. Degree programs delivered online are limited to those facilitated by North Dakota University System On-line.

*Replace original wording:*

*Out-of-state offerings on site are limited to the B.S. degree in Occupational Therapy in Casper, Wy. No prior Commission approval required to offer programs online.*

**4. New Degree Sites:** No prior Commission approval required for additional programs offered by interactive video and audio within the state and by delayed video and satellite outside the state.

*Retain original wording:*

**COMMISSION FOLLOW-UP**

**Focused Visit:** 2007-08 Assessment of Student Academic Achievement

**Rationale and Expectations:** The team recognizes and commends the recently renewed emphasis on assessment of student academic achievement at UND and the ongoing assessment of student learning found in some programs. Nevertheless, the team finds that UND is at the beginning level of implementing assessment programs in the majority of program areas with no evidence that the institution has begun to require more than reporting of progress or the lack of it. There is also a great deal of evidence that student learning outcomes assessment is being confused with other forms of evaluation such as academic program review, accreditation, and faculty evaluation.

The team recommends a focused visit to evaluate whether the institution is making sufficient progress in all program areas in implementing a program to assess student learning outcomes across its undergraduate and graduate programs. By the time of the focused visit in 2007-2008, there should be evidence that UND is moving toward maturing levels of continuous improvement and that faculty, students, and administrators across the University are involved in the assessment process. More specifically, all programs should have identified measurable learning goals, established more than one direct measure of student learning as well as indirect measures, reviewed outcomes of such measures, and taken actions indicated by the outcomes such as changes to program requirements, courses, levels of expectations or other related matters. The institution should be able to document its attention to this process and cite examples of actions taken at the department, college, and institutional levels both in implementation of assessment of student academic achievement and in response to outcomes obtained from such assessment.